

REMARKS

With entry of the present amendment the application will contain claims 1-9, all of which are under examination on the merits.

Support

Support for the amendment to claim 1 can be found in the specification as filed on page 3 on lines 20 and 21; on page 4 lines 2 and 3 and in figure 1.

Newly added claim 9 is also fully supported in the specification. With one exception, claim 9 is identical to claim 8, support for which is not in issue. Claim 9 is identical to claim 8 except that claim 9 paragraph (b) is narrower and requires that the cleaning surface have "a plurality of small, shallow, distinct, depressions". The depressions referred to in claim 9 are clearly shown in figure 1A and are referred to in the specification as depressions 22. As can be clearly seen in figure 1A, the depressions 22 are both small and shallow.

Issues under 35 USC 112

The rejection of all pending claims in paragraphs 1 and 2 of the last office action for alleged failure to comply with the first paragraph of 35 USC 112 is traversed. In support of the

rejection, the Examiner argues that one skilled in the art would not know when he has "obtained the proper elastomer since the applicant is just claiming the frictional force test". The Examiner is incorrect. The frictional force test is not being claimed. What is being claimed is that the elastomer has a certain property. All one skilled in the art has to do is to test an elastomer to know whether it has this property. Such a test is well within the skill of the art. Furthermore the specification as filed discloses a number of elastomers suitable for use in the present invention. In order to practice the present invention one need only select elastomers disclosed in the specification as filed.

The Examiner also argues that it is not clear why the Applicant is claiming the elastomer based on the frictional force test rather than structure. As the Examiner well knows, the motives of the Applicant are not an issue. What is an issue is whether or not the specification teaches those skilled in the art how to practice the invention. The results of the frictional force test constitute a property of the elastomer. It is always proper to state properties within a claim.

In further support of the rejection the Examiner argues that it is unclear how the invention works. It is not a requirement of patent law that the exact mechanism of operation of the invention be disclosed or for that matter even be known

by the inventors. For a description of what the inventors knew at the time the application was filed, the attention of the

Examiner is respectfully invited to the specification. A further explanation of the manner in which the invention works is given below.

In further support of this rejection the Examiner argues that the specification is silent upon the manner in which the inventors arrived at the claimed range of 9.8 to 29N. It is respectfully submitted that the manner in which an invention was made need not be disclosed in the specification and that there is no requirement to do so. What is significant is that the claimed range has been found to be significant.

Finally, in further support of the rejection of the 35 USC 112 the Examiner questions which elastomeric properties might produce such a range. It may be elastomeric properties and it may be other properties that are relevant to the production of an elastomeric sheet with such a range of properties. In order to meet the requirements of 35 USC 112, the only thing that is required is that the specification disclose representative materials having those properties. This the inventors have done.

In summary, the specification is adequate to teach those skilled in the art how to practice the invention and is free of any proper rejection under 35 USC 112.

Issues under 35 USC 102

The rejection in the paragraph 3 and 4 of the last office action of claims 1-6 as anticipated under 35 USC 102 over USP 5,569,521 (Francoeur) is traversed but has been rendered moot by the present amendment to claim 1. The other claims here rejected namely claims 2-6 are all dependant on claim 1 and include all of the limitations of claim 1. Francoeur does not disclose a cleaning article, the surface of which is "substantially flat and has a plurality of depressions which have continuous shape" as required by the present amendment to claim 1. Newly added claim 9 also distinguishes over Francoeur in requiring in paragraph (b) "an exposed cleaning surface having a plurality of small, shallow, distinct, depressions". Francoeur does not teach this. The cleaning surface of 14 of the Francoeur pad has a plurality of continuous and deep grooves, which extend along the longitudinal direction of the pad.

The rejection in paragraph 5 of claims 1 and 3 as anticipated under 35 USC 102 over GB2200380A (Kuwabara) is traversed but has been rendered moot by the current amendment to claim 1. Claim 3 is dependant on claim 1 and includes all the limitation of claim 1.

The Kuwabara device has neither a flat surface nor small and shallow depressions. The surface of the device of Kuwabara has a pair of round arms, which define a fiber trapping space.

The cleaning devices disclosed in Francoeur and Kuwabara remove pet hair by the action of clinging hair or entangling hair to the round arm. In contrast, the claimed cleaning article as amended removes pet hair by entangling it into an aggregate by the combined action of the specific range of the maximum static frictional force and the specific shape of the cleaning surface. The attention of the Examiner is invited to the 2nd paragraph of page 5 of the specification. Further fatty dirt can also be removed. In addition, when the cleaning surfaces are brought in contact with each other, they do not stick to each other. The attention of the Examiner is invited to the 3rd paragraph of page 5 of the specification.

For the reasons stated above, it is believed that the claimed invention as amended is fully distinguishable over the cited references.

Conclusion

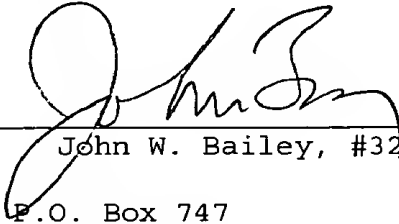
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David R. Murphy (Reg. No. 22,751) at the telephone number of the undersigned below,

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



John W. Bailey, #32,881


JWB/DRM/crt

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000